

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ROBERT E. KOBY)	CASE NO.
)	
Plaintiff,)	JUDGE
)	
vs.)	
)	<u>DEFENDANT'S NOTICE OF</u>
KJAM LLC dba STEVE ROGERS FORD)	<u>REMOVAL OF CIVIL ACTION</u>
)	<u>FROM STATE COURT TO</u>
Defendant.)	<u>FEDERAL COURT</u>
)	

PLEASE TAKE NOTICE that Defendant KJAM LLC dba Steve Rogers Ford ("Defendant"), by and through its undersigned counsel, hereby removes the above-entitled action from the Lucas County Court of Common Pleas, Case No. G-4801-CI-0201701839-000, to the United States District Court for the Northern District of Ohio pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

In further support of this Notice of Removal, Defendant states:

(1) On March 7, 2017, Plaintiff Robert E. Koby ("Plaintiff") filed an action in the Lucas County Court of Common Pleas captioned as *Robert E. Koby v. KJAM LLC dba Steve Rogers Ford*, Case No. G-4801-CI-0201701839-000, which was served on Defendant on March 13, 2017.

A true and accurate copy of the Summons, Complaint and Plaintiff's First Set of Discovery Requests to Defendant served upon Defendant are attached hereto as **Exhibit A**. No other pleadings or orders have been filed, entered, served, or purportedly served upon Defendant or by Defendant at this time.

(2) Plaintiff's Complaint alleges the following cause of action:

a) First Cause of Action, Violation of the Federal Fair Labor

Standards Act, 29 U.S.C. § 201 et seq. (*See*, Complaint, ¶¶ 1-8); and

- b) Second Cause of Action, Violation of the Federal Fair Labor Standards Act, 29 U.S.C. § 201 et seq. (*See*, Complaint, ¶¶ 9-10)

(3) Under 28 U.S.C. § 1441(a), “[any] civil action brought in a State Court of which the district courts of the United States have original jurisdiction, may be removed by the defendant... to the district court of the United States for the district and division embracing the place where such action is pending.” A category of cases over which the United States District Courts have original jurisdiction is federal question cases – those cases “arising under the Constitution, laws or treaties of the United State.” 28 U.S.C. § 1331. Hence, this Court has original jurisdiction over Plaintiff’s claims under the Fair Labor Standards Act that are alleged in his first and second causes of action alleged in Plaintiff’s Complaint. This entire action, therefore, is removable to this Court pursuant to 29 U.S.C. §§ 1331, 1441, and 1446.

(4) Venue is appropriate because the Northern District of Ohio, Western Division, encompasses Lucas County, Ohio, the place where the State Court action is pending.

(5) This Notice of Removal is timely pursuant to 29 U.S.C. § 1446(b) in that it is being filed within thirty (30) days from the date Defendant received a copy of the Complaint.

(6) As required by 28 U.S.C. § 1446(d), Defendant is providing written notice of the filing of this Notice of Removal to Paul H. Duggan, Esq., Duggan Law Office Co., LPA, counsel of record for Plaintiff, and is filing a copy with the Clerk of Courts for the Lucas County Court of Common Pleas. A copy of these notices are attached hereto as **Exhibits B and C**.

WHEREFORE, Defendant removes this case from the Lucas County Court of Common Pleas to this Court pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

Respectfully submitted,

/s/ Anthony D. Dick

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2017, a copy of the foregoing *Defendants' Notice of Removal of Civil Action from State Court to Federal Court* was served via email and via first class U.S. Mail postage prepaid upon:

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Counsel for Plaintiff

/s/ *Anthony D. Dick*

Anthony D. Dick